

INSTRUCTIONS FOR COMPLETING APPLICATION FOR LEGAL SERVICES PROJECTS

Your original application, including the Application Checklist, and one copy of the application forms must be received in the Legal Services Trust Fund Program Office by 5:00 p.m. on the application deadline. Address your application to the Legal Services Trust Fund Program, **180 Howard Street, San Francisco, CA 94105-1639**. You **may not** submit your application electronically or by fax machine. Applications **legibly postmarked** by the post office or a special delivery company on the last business day before the application deadline and received within five working days after the deadline will be accepted. Applications received after that date **will not be considered** unless there is a showing of special extenuating circumstances. In no event will an application be considered if it is received more than 15 calendar days late.

All applications are public records once received.

Application Checklist. *All applicants must complete this form.*

Please complete the Application Checklist *after you have reviewed these instructions and completed the application forms*. When you submit your application, put the Application Checklist on top and arrange the rest of the material in the order listed on the Checklist.

I. Applicant Profile. *All applicants must complete this form.*

- A. New Application for Funding.** Place a check mark in this box if your organization has never been found eligible for funding from the Legal Services Trust Fund Program.
- B. Application for Refunding.** Place a check mark in this box if your organization has been found eligible for funding from the Legal Services Trust Fund Program in previous grant period(s).
 - 1. Organization Name:** List the name of your corporation as it appears on the incorporation papers. If you are commonly known by another name or use a "dba," include this name as an "aka" or "dba." *Only one application may be submitted by each corporation.*
 - 2. Street Address:** List the street address of applicant, including city and zip code.
Mailing Address: List the mailing address of applicant, if different from the street address.
Change of Address: Indicate if either address has changed since submission of the previous application.
 - 3. Telephone Number:** List the telephone and fax number of applicant, including area code.
 - 4. Web site:** List the URL of applicant's Web site, if applicable.
 - 5. Branch Offices:** List the addresses of all branch and regional offices. If necessary, list on a separate page.

6. **County(ies) Served:** List all counties served. This list should include the names of counties served by all of your branch or regional offices. Indicate which branch or regional office serves each county.
7. **Staff Director:** Print or type all information on this page, except the required original signature. Include: the full name of the applicant's director or chief executive officer and title, direct dial telephone number, and e-mail address.
8. **Chairperson of Governing Board:** Print or type all information on this page, except the required original signature. Include the full name of the current chairperson of the applicant's governing board, business address and telephone number. In the case of law school programs, the law school dean may sign here.
9. **Contact Person:** List the name, title, direct telephone number, and e-mail address of the person to contact if any questions arise regarding your application.
10. Check this box if any information has changed since submission of your last application.

II. **Summary Project Description. *All applicants must complete this form.***

In addition to helping establish your eligibility, this form will be used to describe your organization in connection with your proposed budgets.

Include a general description of your client population and service area, your service priorities and the mechanism(s) used to deliver services. Also briefly identify your functional activities (e.g., representation of clients, community outreach and education, legislative and administrative representation, training and support activities).

III. **Eligibility Criteria for Legal Services Projects. *All applicants must complete this form.***

In order to be eligible for funding, the applicant must meet one of the requirements under A **and** the requirements of one of the designated six categories under B.

- A. Mark the category under which you qualify for funding as a "legal services project." [See B&P Code §6213(a) and the Eligibility Guidelines for Legal Services Projects.]
- B. Mark one category under which you qualify for funding. [See B&P Code §6214; Eligibility Guidelines 2.5 and 2.6.]
 1. **A recipient of Legal Services Corporation funds.** The applicant must receive funds directly from LSC. The grant award letter that shows the amount of money awarded from LSC for the funding year ended most recently must be enclosed with your application package.
 2. **A recipient of Older Americans Act funds through an Area Agency on Aging.** The applicant must receive funds directly from an Area Agency on Aging. The contract or determination letter that shows the amount of money awarded from OAA funds for the funding year ended

most recently must be enclosed with your application package.

3. ***A recipient of LSC funds through an LSC-approved contract with another organization that is an LSC grant recipient.*** The applicant receives funds from an agency that is directly funded by LSC. The contract or determination letter that shows the amount of money awarded from the LSC-funded agency for the funding year ended most recently must be enclosed with your application package.
4. ***A recipient of Older Americans Act funds through an Area Agency on Aging-approved contract with another agency that is funded directly by an Area Agency on Aging.*** The applicant receives funds from an agency that is directly funded by an Area Agency on Aging. The contract or determination letter that shows the amount of money awarded from the OAA-funded agency for the funding year ended most recently must be enclosed with your application package.
5. ***A project that recruits pro bono lawyers.*** An applicant in this category must have a total income cash budget of at least \$20,000 demonstrated in its audited/reviewed financial statement for the preceding fiscal year. An applicant in this eligibility category must also, *in addition to the information required of all legal services projects*, complete Form III-A. Instructions for completing this form are included in this instruction section.

(**Note:** Applicants found eligible in this category may also be eligible for additional funds pursuant to Business and Professions Code §6216(b)(1)(A) and Rule 2.1 of the Regulating Rules. Complete Form III-B.)

6. ***A project that provides services to a special client group.*** An applicant in this category must have a total income cash budget of at least \$20,000 demonstrated in its audited/reviewed financial statement for the preceding fiscal year. An applicant in this eligibility category must also, *in addition to the information required of all legal services projects*, complete Form III-A. Instructions for completing this form are included in these instructions.

- C. Check “yes” or “no” to indicate whether you are applying for an additional allocation as a pro bono program. [See B&P Code §6216(b)(1)(B); Eligibility Guideline 2.9.] If you check “yes,” complete Form III-A, Parts A and B. Also complete a separate Form III-B for each county for which you are applying for an additional allocation.

III-A. Additional Requirements for Projects Applying Under the \$20,000 Eligibility Criteria.

This form is to be completed by applicants that check box 5 or 6 of Form III-Eligibility Criteria for Legal Services Projects and by applicants applying for an additional pro bono allocation.

This form provides information regarding the income and community support requirements and special services requirements for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214(b).]

Part A. Income and Community Support Requirement.

1. Income from sources other than the Trust Fund Program must total at least \$20,000. Check here to indicate whether Form IX-Source of Funding Report shows such income. If not, you must enclose an explanation of why you believe you are eligible for a Trust Fund Program grant.
2. If the local contributions listed on Form IX total less than \$20,000, you must demonstrate community support through the donation of services or other non-cash contributions by service of local community leaders on your board of directors, fundraising committees, etc., or otherwise demonstrate that the community actually supports the operation of a viable ongoing program. Letters of support from local community leaders are not sufficient to demonstrate the community support required by Business and Professions Code §6214(b)(2).

Local sources of funds include public sources of funds from city and county agencies and local legal services programs. This also includes such other local sources of funds as United Way, private local foundations, local and specialty bar associations, and individual donations, excluding employee contributions.

Part B. Special Services Requirement.

Select the category that best describes the special services provided by the program.

1. This category requests information regarding the recruitment of attorneys to provide free legal services to the poor requirement for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214(b)(1)(A).]
 - a. Indicate the number of attorneys who donated their services to the program in the calendar year ended most recently. This should include only attorneys in private practice who donated their services through the program to provide free civil legal services to the poor. An attorney who is not an employee of the applicant can be considered "in private practice." Attorneys may be considered "in private practice" even though they work for government agencies, corporations or in non-legal occupations.
 - b. Indicate the total number of attorney hours of service donated to the program in the calendar year ended most recently.
 - c. Indicate the value of donated legal services.
 - d. Explain the formula used for calculating the value reflected on line c. For example, total number of hours donated by attorneys in private practice multiplied by the value of the donated legal services at the rates that such legal services are customarily charged to paying clients.

2. This category requests information regarding the provision of legal representation, training or technical assistance on matters concerning the special client groups requirement for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214 (b)(3)(B).]

“Special Client Group” refers to persons such as the elderly, the disabled, juveniles and non-English-speaking persons [see B&P Code §6210]. Specify the indigent special client groups you served in the calendar year ended most recently and mark which services you provided.

“Legal Representation” refers to cases in which the applicant has had lead counsel or co-counsel positions in the calendar year ended most recently for cases dealing with special client groups (including elderly, non-English-speaking, juvenile, disabled persons, etc.).

“Training” refers to specialized substantive legal information regarding special client groups which the applicant provides to legal services agencies. Training includes informing agencies on ways of dealing with legal issues particular to special client groups. This may include teaching legal skills that would be useful in the administration of cases for special client groups.

“Technical Assistance” refers to research, development or compilation of information on specific legal issues regarding special client groups for legal services agencies.

III-B. Application for *Pro Bono* Allocation.

Use this form to apply for the additional allocation reserved for organizations that use the volunteer services of private lawyers as their principal means of delivering legal services. You must complete a separate Form III-B for each county for which you are applying for an additional allocation and all data provided must pertain to the calendar year ended most recently.

To qualify for additional funds, you must demonstrate that your principal means of delivering legal services is “the recruitment of substantial numbers of attorneys in private practice to provide free legal representation to indigent persons or to qualified legal services projects in California.” The Trust Fund Commission has described two ways you may demonstrate you meet that requirement, and has left open the possibility that applicants can establish their eligibility by alternative means. Answers to the questions on this form will determine whether you qualify based on either of the two ways defined by the Commission or whether you must establish your eligibility for an additional allocation in some other way. [See Eligibility Guideline 2.9.4.]

Following are definitions of “legal services” and “paralegals”:

- “Legal services” include all professional services provided by a member of the State Bar, and similar or complementary services of a law student or paralegal under the supervision and control of a member of the State Bar in accordance with law. [See Rule 2.]

For further clarification, “legal services” include, but are not limited to, the following activities:

- Work with and for individual clients, including interviews, group clinics, research, document preparation and advocacy; similar or related work for organizational or group clients.
- Lobbying, administrative and policy advocacy, and work with community groups on legal issues.
- Community legal education, including research, writing, preparation and presentations.
- Editing, writing and updating substantive legal manuals, self-help materials for clients, and materials for policy advocacy.
- Legal training, including preparation and training time for both presenters and trainees.
- Supervising the legal work of staff and volunteers (including time spent both by the supervisor and by the person being supervised), and directing and managing litigation or other legal projects. This includes group meetings as well as individual meetings and document review.

For purpose of this form, “legal services” does not include the following activities:

- Management and administration of the non-legal activities of the organization - e.g., fundraising, grant management, financial management.
 - Administrative coordination of volunteers, including recruitment, training, scheduling and recognition.
 - Recruitment, hiring and personnel management of staff.
 - Leave time, including vacation, holidays and sick leave.
 - Travel time.
 - “Paralegals” are persons who are not members of the State Bar of California and whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings and outreach and community work. [See also B&P Code §6450 et seq.]
1. Report the number of attorneys who donated their time to provide free legal services to the poor in column a. In column c, report the total number of hours of free legal services in civil matters provided by the volunteer attorneys.
 2. Report the total number of paralegals or law students who donated their time to provide free legal services to the poor in column a. In column c, report the total number of hours of legal services provided by the volunteer paralegals or law students.

3. Report the total number of staff attorneys and their full-time equivalents in columns a and b. Report the total number of hours of legal services they provided in column c.
4. Report the total number of staff paralegals (including paid law students) and their full-time equivalents in columns a and b. Report the number of hours of legal services they provided in column c.
5. In order to corroborate the figures provided in columns a and c for rows 1 and 2, describe the program's system for collecting information and maintaining records of donated hours. If the figures provided are based on estimates, explain the basis for the reported figures.
6. For rows 3 and 4, provide information regarding the number of staff who provided legal services. List all positions and their corresponding full-time equivalents (FTE's). If you did not count all staff hours as legal services hours, explain the method used to calculate the figures in rows 3 and 4 and describe the type of work you are not counting as legal services work.
7. One method by which an applicant may demonstrate that its principal means of delivering legal services is the recruitment of volunteer attorneys is to show by objective evidence that the attorneys recruited actually provide substantial free civil legal services and that the hours of services so provided by recruited attorneys exceed the hours of services provided by lawyer staff employed by the applicant. If so, check "yes."
8. A second method by which an applicant may demonstrate its principal means of delivering legal services is to show by objective evidence (1) that the attorneys recruited actually provide substantial free civil legal services; (2) that the combined number of hours of service provided by volunteers, both attorneys and paralegals, exceeds the combined number of hours of service provided by staff attorneys and paralegals; and (3) that the number of hours of service provided by volunteer attorneys is more than half the total number of hours of service provided by staff attorneys and paralegals.

You do not need to answer question 8 if you answered "yes" to question 7. If the answer to either 8d or 8e is "no," go to question 9.

9. If neither of the above methods establishes that *pro bono* volunteers represent your principal means of delivering legal services, you must describe and explain the reasons you believe the Commission should find your program eligible for the additional allocation. Answer this question if the answer to question 7 was "no" and the answer to either question 8d or 8e was "no."

You may wish to include in your explanation a description of (1) the intensive supervision and support that staff provides to volunteers; (2) the relative resources devoted to *pro bono* activities as compared to those activities that involve only staff; (3) the quantity of time and resources dedicated to recruiting, coordinating and recognizing volunteers; (4) the percentage of clients who are served by volunteers as compared to those who see only staff; (5) the number of cases referred to the *pro bono* panel; (6) the increase in the number of volunteers, and of volunteer hours, from year to year as available resources increase; and/or (7) other evidence which demonstrates that legal services are provided principally by volunteers.

IV. Certifications for Legal Services Projects. *All applicants must sign this form.*

1. Enclose both documents specified as proof of your corporation's incorporated status. If your Articles of Incorporation are on file in the Legal Services Trust Fund Program office, so indicate on the Application Checklist.

Note: Your Certificate of Status for this application can be no more than three years old. To obtain a new Certificate of Good Standing (also known as a Certificate of Status), complete the Corporate Records Order Form provided in this package following the Application Checklist (this form can also be downloaded at <http://www.ss.ca.gov/business/corp/pdf/ircform.pdf>). Attach a check made payable to the Secretary of State for the appropriate amount (\$5.00 for a Certificate of Good Standing, plus any additional cost for faxing or special handling of orders submitted in person) and submit your request either:

By mail: along with a self-addressed and postage-paid envelope, to Secretary of State, Information Retrieval /Certification Unit (IRC), 1500 - 11th Street, 3rd Floor, Sacramento, CA 95814 (written requests are normally processed within two weeks); **or**

In person: Certificates of Good Standing and status printouts can be obtained over the counter at any Secretary of State office location. A list of these offices can be found on the Internet at http://www.ss.ca.gov/business/corp/corp_contacts.htm.

2. Enclose both documents specified as proof of your corporation's tax-exempt status. If you have not received the determination letters, attach copies of your applications for exemption, together with an explanation of their status. If the documents specified as proof of your corporation's tax exempt status are on file in the Trust Fund Program office and there have been no material changes made to the documents from the time they were submitted to the Trust Fund Program office, so indicate on the Application Checklist.
3. Confirm the organization operates exclusively in California or assure that all funds granted will be spent in California.
4. As proof that your program provides legal services, complete Form II-Summary Project Description, Form VII-Annual Case Summary Report and Form VIII-Staffing Report for Legal Services Projects. See instructions for these forms.
5. Attach current income level criteria used to determine client eligibility. Applicants that do not utilize income standards for determining client eligibility must develop and adopt criteria if found eligible for funding. [See B&P Code §6218.] If you restrict services to persons eligible for free services under the Older Americans Act or the Developmentally Disabled Assistance Act, a statement to that effect will be sufficient.

6. Attach a copy of your program's financial statement for the fiscal year ended most recently unless it was previously submitted. If your program is part of a corporation, the financial statement for the total corporation must be submitted, strictly segregating the portion of the statement that relates to your program's income and expenditures.

Financial statements submitted by an applicant whose gross expenditures are *less than* \$500,000 for the most recent fiscal year must be reviewed or audited by an independent certified public accountant. Financial statements with gross expenditures *in excess of* \$500,000 for the most recent fiscal year *must be audited* by an independent certified public accountant.

If the audited or reviewed statement for the most recent period is not available at the time of the application deadline, you must file the audited or reviewed statement promptly when available, and in no event more than sixty (60) days after the application deadline. The statement must be submitted before an allocation will be disbursed.

If the audited or reviewed financial statement is for a period that ends before December 31, you must submit an income and expense statement covering the period from the ending date of your last financial statement to the end of the calendar year prior to the application deadline. The Commission reserves the right to require an audit or review of this statement.

An applicant that operated in previous years as a project within an organization providing substantial services other than legal services to indigent persons, or as an entity other than a corporation, but which has since become a separate California nonprofit corporation whose primary purpose and function is the provision of legal services without charge to indigent persons, may establish its status as a qualified legal services project and its proportionate entitlement to funds based upon financial statements *that strictly segregate the portion of the organization's expenditures in prior years that were devoted to legal services for indigents*. Thus, if you recently incorporated having previously operated as part of an umbrella organization, you may use the expenditures of your predecessor organization so long as financial statements strictly segregate the expenditures for legal services. [See Rule 2.]

7. By signing Form IV, the Staff Director and Chairperson of the Program Board certify that the information provided in this statement is true. Provide the original signatures of the Staff Director and the Chairperson of the Program Board. If one person fulfills both functions, another officer of the program board must sign the certification. Identify the title of the alternate board officer.

V. **Assurances for Legal Services Projects. *All applicants must sign this form.***

These items list assurances with which the applicant agrees to comply if it receives a Trust Fund Program allocation. Provide the original signatures of the Staff Director and the Chairperson of the Program Board. If one person fulfills both functions, another officer of the program board must sign the Assurances. Identify the title of the alternate board officer.

VI. Quality Control Review for Legal Services Projects. *All applicants must complete this form.*

Check number 1 or 2, or both if applicable. In addition, programs must provide a description of their supervisory structure (number 3).

1. Applicants that have received a written program evaluation or review by the Legal Services Corporation, the California Department of Aging or an Area Agency on Aging since January 1 of the previous calendar year must attach the evaluation/review/report, indicating which agency provided the evaluation.
2. Check here if you received a monitoring visit by the Legal Services Trust Fund Program in the calendar year ended most recently.
3. Describe your program's supervisory structure for its legal staff and your plan for ensuring quality control. Specifically, explain how each group/class of legal workers is supervised. Provide detailed information regarding supervisory personnel, oversight policies and implementation procedures. Also describe how contract attorneys or staff consisting of a single attorney are supervised.

VII. Annual Case Summary Report. *All applicants must complete this form.*

This form provides information regarding all cases closed and clients you served during the calendar year ended most recently. Indicate the number of cases closed (characterized by Major Reason Case Closed) according to the type of case handled (characterized by Legal Problem) during the calendar year ended most recently.

In order to complete this form, divide all the cases closed by your program during the calendar year ended most recently into the nine legal problem areas indicated below. Once cases have been properly categorized into legal problem areas, tabulate the number of cases in each problem area according to the major reason cases were closed.

To complete the client profile data, enter the client characteristics according to age, ethnicity and gender.

- **"Case"** is defined for the purposes of this report as a legal problem (or a set of closely-related legal problems) of an eligible client and the legal activities or processes used in resolving those problems. A case includes brief services such as advice, as well as other types of legal representation.
- **"Legal Problem Codes"** are organized by major topical areas assigned to legal problems. Select the category that best describes the client's legal problem. If two or more closely-related legal problems are involved in the case, the category that describes the problem requiring the greatest level of effort to resolve should be selected. The following are brief descriptions of the legal problem categories:

1. **Consumer/Finance** refers to Bankruptcy, Debtor Relief, Collections (including repossession), Deficiency, Garnishment, Contracts, Warranties, Credit Access, Energy

(other than public utilities), Loans, Installment Purchase (other than collections), Public Utilities, Unfair Sales Practice, Other Consumer Finance.

2. **Education/Employment** refers to Education, Job Discrimination, Wage Claims, Other Employment.
3. **Family** refers to Adoption, Custody, Visitation, Divorce, Separation, Annulment, Guardianship, Conservatorship, Name Change, Parental Rights Termination, Paternity, Spousal Abuse, Support, Other Family.
4. **Juvenile** refers to Delinquent, Neglected, Abused, Dependent, Other Juvenile.
5. **Health** refers to Medicare, Medicaid, Other Health.
6. **Housing** refers to Federally-Subsidized Housing Rights, Home Ownership, Real Property, Landlord-Tenant (other than public housing), Public Housing, Homelessness, Other Housing.
7. **Income Maintenance** refers to CalWorks, TANF, Food Stamps, Social Security, SSI, Unemployment Compensation, Veterans Benefits, Workers' Compensation, Other Income Maintenance.
8. **Individual Rights** refers to Immigration, Naturalization, Mental Health, Prisoners' Rights, Disability Rights, Other Individual Rights.
9. **Miscellaneous** refers to Incorporation, Corporate Dissolution, Indian and Tribal Law, License (auto and others), Torts, Wills, Estates, Other Miscellaneous.

"Closed Case" is a case in which there is a resolution of the client's problems or in which the client's problem is not resolved but it is determined that no further action will be taken on the case.

"Major Reason Case Closed" describes the circumstances or event causing the program to determine that no further action is to be taken on the case. If the case is closed for more than one reason, select the single major reason that best describes why the case was closed. The following are brief descriptions of the major reasons cases are closed:

1. **Counsel and Advice** includes preparing and providing advice to the client, e.g., reviewing relevant information and counseling the client on how to take action to resolve the issue.
2. **Brief Service Other than Counsel and Advice** refers to action taken at or soon after intake on behalf of a client that resolves a case, e.g., preparing short letters, making a telephone call.
3. **Referred after Legal Assessment** refers to circumstances in which, during the course of providing assistance, a client is referred outside the program because new intake information or developments in the case indicate that the program should not handle the

case, or that the client would be better served by a referral outside the program. *This category does not include referrals made at the time of intake.*

4. **Insufficient Merit to Proceed** applies to situations where it is determined that there are no legal grounds upon which to pursue the issue because of new facts or circumstances even though the applicant was initially accepted as a client.
5. **Client Withdrew or Did Not Return** includes cases in which the client failed to return to the program during the course of the case and could not be contacted by the program. It also includes all cases in which the client decided not to proceed with the case, e.g., client in an eviction case decided to move out instead of proceeding with legal action.
6. **Negotiated Settlement Without Litigation** applies to those cases that are resolved through negotiation prior to the initiation of a court or administrative action.
7. **Negotiated Settlement With Litigation** applies to those cases that are resolved through negotiation after initiation of a court or administrative action, e.g., resolution of a dispute after suit has been filed.
8. **Administrative Agency Decision** applies to all cases that are resolved as a result of action by an administrative agency or body, e.g., a government benefits office.
9. **Court Decision** applies to all cases that are resolved as a result of action by a court.
10. **Change in Eligibility Status** refers to cases in which an applicant whom has been accepted as a client is found no longer eligible for services because of failure to meet the "indigent person definition " as expressed in the statute due to new circumstances, e.g., employment or income changes.
11. **Other** applies to cases that do not fit any of the preceding ten CSR case closure categories. Cases in which there is no opposing party, but in which the services provided are too extensive to fit the brief service category, such as the preparation of a complex contract or a complex medical power of attorney, may be closed in this category. Cases which fit two or more CSR categories may not be closed in this category, but should be closed in the category which best reflects the level of service provided.

Footnotes.

1. **Other:** Briefly describe the reasons bases were closed in the "Other" column.
2. **Class Action or Impact Work:** If your program was engaged in class action or impact work in the previous calendar year, provide a separate list of these matters and describe the work that was done on each case. The description of each matter should include the following information:
 - a. case name or title of matter;
 - b. the forum in which the matter was pursued (e.g., specific court, administrative agency, legislative body, etc.);

- c. the legal issues raised by the matter;
- d. the relation of the legal issues raised by the matter to the needs of indigent persons and whether indigent persons are disproportionately impacted by the legal issues;
- e. in the case of a class action, the definition of the "class";
- f. what percentage of your named clients were indigent persons or organizations that provide benefits primarily to persons who are indigent;
- g. describe the primary beneficiary or beneficiaries of the service; and
- h. what percentage of those who would have benefited were indigent persons and how you arrived at that percentage.

Do not disclose information protected by the attorney-client privilege.

3. **Community Education and Outreach:** Do not include statistics for services provided through community education and outreach efforts (see the definition of "case"). If such efforts can be quantified, report the number of programs conducted and the total number of attendees on Form VII-A.

VII-A. Report on Community Education and Outreach Activities. *Programs should report statistics related to community education and outreach efforts on this form.*

This form provides information concerning community legal education and outreach activities undertaken in the previous calendar year. If you have not maintained contemporaneous records of the services listed under Section A, please provide your best estimate and explain the basis for that estimate at section B.

VIII. Staffing Report for Legal Services Projects. *All applicants must complete this form.*

This form provides information regarding current staffing of the applicant.

- 1-4. **"Full-Time"** refers to staff employees who are employed on a continuous full-time basis, e.g., your standard work week. Indicate the number of full-time employees in each category in the "Full-Time" column.

"Part-Time" refers to staff employees who are employed less than full time. Indicate the number of part-time employees in each category. In the next column, report the number of full-time positions represented by your part-time employees. For example, four half-time employees are equivalent to two full-time positions. Include all budgeted positions you intend to fill.

"Temporary" refers to staff employees who are employed for a specific predetermined period, or intermittently, as their services are required. Indicate the number of temporary employees. In the next column, report the number of full-time positions represented by your temporary employees.

"Volunteer" refers to non-employees who donate services to the program. Enter the number of volunteers.

5. **Attach the requested documents at the back of the application.**

The organizational chart should show your organization's supervisory structure. For example, the Staff Director would be listed on the chart. The person or people who supervise the Staff Director (e.g., the board or one of its committees) would be listed above the Staff Director position. The positions supervised by the Staff Director would be listed below the Staff Director position. The chart should include all attorney positions, management positions, paralegal positions and support personnel. Identify titles of "Other Staff" positions reflected on line 4 in the space provided. Also indicate the full-time equivalent of each position listed.

Provide a current salary schedule and a complete set of job descriptions for all filled and unfilled positions. Include minimum experience and educational requirements. *Please do not send job announcements.*

IX. **Source of Funding Report.** *All applicants must complete this form.*

List the sources and amounts of your annual cash funding using the amounts received during the previous calendar year. **Do not include any IOLTA or Equal Access Fund monies received through the Trust Fund Program.** Provide a detailed breakdown in the "Subtotals" column and report the total amount of funding received from all sources other than the Trust Fund Program in the "Totals" column.

X. **Total Corporate Expenditures for Calendar Year Ended Most Recently.** *All applicants must complete this form.*

This form provides information regarding your corporation's total expenditures for the preceding calendar year. This information is necessary to determine whether your program's "primary purpose and function" is the provision of free legal services to the indigent (see Rule 2) and to determine the amount of your allocation.

Provide the corporation's total expenditures for the preceding calendar year. If your program is part of a corporation other than a law school, you must indicate the corporation's total expenditures on this form. If you are a law school program, indicate the total expenditures for your program.

An applicant that operated in previous years as a project within an organization providing substantial services other than legal services to indigent persons, or as an entity other than a corporation, *but which has since become a separate California nonprofit corporation* whose primary purpose and function is the provision of legal services without charge to indigent persons, may establish its status as a qualified legal services project and its proportionate entitlement to funds based upon financial statements that strictly segregate the portion of the organization's expenditures in prior years that were devoted to legal services for indigents. Thus, if you are recently incorporated having previously operated as a project within an umbrella organization, you may use the expenditures of your predecessor project on this form. [See Rule 2.]

1. Indicate applicant name.
2. Provide the name, direct dial telephone number and e-mail address of the person preparing this form.
3. *Calendar year*. Do not use your fiscal year figures if they are for a period other than the calendar year.
- 4-25. These items relate to your total actual expenditures for the calendar year ended most recently.
 - Use whole numbers.
 - Do not include the value of donated services or in-kind donations.
 - Do not include expenditures for capital additions in the total.
4. **Lawyers**: This category should include all salaries and wages paid to program attorneys, whether full time, part time or temporary. Do not include the value of donated services.
5. **Paralegals**: This category should include salaries and wages paid to program paralegals, whether full time, part time or temporary. Paralegals are persons who are not members of the State Bar of California and whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings and outreach and community work. [See B&P Code §6450 et seq.] Do not include the value of donated services.
6. **Other Staff**: This category should include salaries and wages paid to all other program staff, whether administrative/clerical staff, students or others, and whether full time, part time or temporary. Do not include the value of donated services.
7. **Subtotal**: Add wages from lines 4, 5 and 6.
8. **Employee Benefits**: This category should include all commonly-accepted fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance and other payroll-related costs approved by the board of directors.
9. **Total Personnel**: Add lines 7 and 8.
10. **Space**: This category includes rent, mortgage payments, utility payments and maintenance or janitorial expenses.
11. **Equipment Rental and Maintenance**: This category includes lease or rental expenses for office furniture, fixtures and equipment (except telephone). It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.
12. **Office Supplies, Printing and Postage**: This category includes all basic office accessories and supplies, including materials used in copiers and printers. Printing and postage,

which may be recorded in special accounts, are included in this category. All equipment purchases under \$500 may also be placed under this line item.

13. **Telecommunications:** This category includes all regular telephone charges, the rental or lease of telephone and fax equipment, long distance calls, and Internet charges. Similar and related telecommunications expenses should be included as well.
14. **Program Travel:** This category includes travel expenses directly related to specific client matters, circuit riding, administration of the program, etc. While most travel placed in this category will be local or intrastate, interstate travel should also be included here.
15. **Training:** All non-personnel costs associated with the training or continuing education of staff members should be included here. Examples would be travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, consultant fees paid to trainers, etc. Materials or equipment purchased for training with a value in excess of \$500 should be reported under "Capital Additions." No program personnel costs, or costs training employees or volunteers of other organizations, should be included here.
16. **Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, books, on-line research services, CD ROMs, reference materials and multiple volume sets of law books. Depreciation on capital additions to library holdings over \$500 should be included under "Depreciation."
17. **Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft) and liability insurance for property and automobiles.
18. **Audit:** This category includes expenses related to the fiscal review or audit of applicant's financial statements.
19. **Litigation:** This category includes court costs, witness fees, expert witness expenses, sheriff fees, courthouse copying fees and other expenses incurred but not recovered in litigation on behalf of eligible clients.
20. **Depreciation:** This category includes depreciation expense on equipment and library purchases over \$500 per item and on owned real property.
- 20a. **Capital Additions:** Indicate the total cost of capital additions during the preceding calendar year. Do not include this amount in the total on lines 24 and 25. List individual items and associated costs on a separate page.
21. **Contract Service to Clients:** This category includes all payments to private attorneys or others who provide legal services to clients including other legal services programs and support centers. Itemize individual costs on a separate page; provide program names and amounts for any contracts you have with other legal services programs.

When funds are contributed by one program that is applying for a Trust Fund allocation to another Trust Fund applicant, both programs must disclose the contributed amount in their application. For any amounts that you do not deduct on Form XI, line 9b, explain the reason in a brief footnote to your itemized list for line 21.

22. Contract Service to Program: This category includes all other services to the program, such as legal counsel for program operations, consultant fees exclusive of those paid for training, use of a computer service bureau, bookkeeping or other accounting services, etc. Itemize individual costs on a separate page.

23. Other: This category includes all program expenses not included above. Itemize individual costs on a separate page.

24. Total Non-Personnel: Add lines 10 through 23.

25. Total: Add lines 9 and 24. Enter this amount on line 1 of Form XI.

XI. Qualified Expenditures. *All applicants must complete this form.*

This form segregates your previous year's expenditures that were for the provision of free civil legal services to indigent persons from those expenditures that were for other activities. This information will be used to determine the amount of your allocation under the Trust Fund Program.

If you answer "yes" on any line, enter a dollar amount for that line and complete Form XI-A to explain how you arrived at the figure.

1. Enter the amount from line 25 of Form X to indicate the corporation's total expenditures for the preceding calendar year.
2. If legal services are only part of your corporation's activities, indicate on this line how much of your expenditures were for the other activities.
3. If you provided legal services in criminal matters, enter the amount of your expenditures for such services.
- 4a. If you charged clients for any legal services in civil matters, other than requiring payments for costs and expenses or a processing fee of \$20 or less, enter the amount of your expenditures incurred providing services for which you charged.
- 4b. If you charged clients a processing fee of more than \$10 but less than \$20, enter the amount of all processing fees that exceeded \$10 per client.
- 4c. If you provided free civil legal services to persons who were not "indigent" as defined in Business and Professions Code §6213(d), indicate the amount of your expenditures for such services on this line.

5. Total lines 2 through 4c.
6. Subtract line 5 from line 1. This is your total expenditure for free civil legal services to indigent persons.
7. Divide line 6 by line 1 to calculate the percentage of your total corporate expenditures incurred while providing free civil legal services to indigent persons.

If this figure is 75% or greater, the corporation will be presumed to meet the “primary purpose and function” test. An applicant not qualifying for the presumption may nevertheless apply for an allocation, demonstrating its purpose and function by other means.

8. If your corporation provided any legal services outside California, show the amount of your expenditures for such services unless they have already been deducted above.
9. When funds are contributed by one program that is applying for a Trust Fund Program allocation to another Trust Fund Program applicant, both programs must disclose the contributed amount in their application. In determining allocations, the funds will be counted only for the program receiving the funds unless a contrary agreement has been made between the receiving and contributing programs differently allocating the credit for the contributed funds. If such an agreement has been made, both programs must disclose the agreement to the Commission.

Indicate whether you paid any money to another program that is applying for an allocation from the Trust Fund Program. If “yes,” identify the amount so paid which you received from (a) the Trust Fund Program and (b) sources other than the Trust Fund Program.

If you paid any money to another program that is applying for an allocation from the Trust Fund Program, itemize the amount(s) paid on Form XI-A, number 2.

10. If you are a program that paid any non-Trust Fund money to another program and the recipient has agreed to allow you to count the funds, enter the amount here. Itemize the amount on Form XI-A, number 3.
11. If you received any money from another program that is applying for an allocation from the Trust Fund Program, indicate the amount(s) received on this line. Itemize the receipts on Form XI-A, number 4.
12. If you are a program that received such funds but agreed to allocate credit for the funds to the contributing program, enter the amount here. Itemize the amount on Form XI-A, number 5.
13. Add lines 8, 9b and 12.
14. Subtract line 13 from line 6. If you serve two or more counties, use this number to complete Form XI-B.

15. Enter the amount of your previous calendar year Trust Fund Program grant expenditures for expenses other than capital additions. Separately identify expenditures from both IOLTA and Equal Access Fund grants. Do not include Partnership Grant expenses. (Because the cost of capital additions is not included in line 1, do not subtract that cost here.) These figures must agree with the total of expenditure reports you previously submitted to the Trust Fund Program. Trust Fund Program grant expenses will not be considered when calculating allocations for the next grant period.
16. Subtract line 15 from line 14. This is your total non-Trust Fund Program expenditure for free civil legal services to indigent persons in California. ***This figure will be used to determine the amount of your allocation.***

XI-A. Additional Information about Qualified Expenditures for Applicants with Certain Activities.

Complete this form if:

- you answered “yes” to questions 2, 3, 4, 8, 9, 10, 11, and/or 12 on Form XI;
- more than 10% of your services are provided to organizations (and less than 60% of your income comes from LSC); and/or
- more than 10% of your services are for the benefit of a group or class of persons other than your individual clients (and less than 60% of your income comes from LSC).

Attach additional pages to Form XI-A as needed to provide all the required information.

1. Answer this question if you responded “yes” to questions 2, 3, 4 or 8 on Form XI. In other words, if your corporation had activities other than providing civil legal services without charge to indigent persons in California during the previous calendar year, you must provide additional information here. Your answers here should clearly demonstrate that the expenditure figures entered on Form XI represent the total cost of providing the “non-qualifying” services, including not only salaries and direct expenses but all related indirect costs and overhead as well.

Explain how you decided what portion of your total work was made up of non-qualifying activities or services and the basis of your computation of expenditures. Identify the records used to calculate the expenditure figure and how you used them. Such records might include, for example, client or case counts, time sheets or accounting records. If you rely on estimates to establish the amount of these expenditures, you must make the estimates by a method that is reasonably related to the actual expenditure of funds and explain the basis of the estimates. [See the Commentary to Eligibility Guideline 2.7.3.]

2. If you answered “yes” to question 9 because you paid money to an applicant for a Trust Fund Program grant, list the name(s) of the program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**

3. If you answered “yes” to question 10 because you paid money to an applicant for a Trust Fund Program grant that has agreed to allow you to “count” the money, list the name(s) of the program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
4. If you answered “yes” to question 11 because you received money from another applicant that is applying for Trust Fund grant, list the name(s) of the program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
5. If you answered “yes” to question 12 because you received money from an applicant for a Trust Fund Program grant that you have agreed may “count” the money itself, list the name(s) of the program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
6. Answer this question if more than 10% of your services are provided to organizations, whether “indigent” or “non-indigent,” unless more than 60% of your income comes from the Legal Services Corporation. List the five organizations to which you provided the most legal services during the prior calendar year and, for each organization, supply the following information:
 - whether the organization is tax exempt under I.R.C. Section 501(c)(3);
 - the organization's primary purpose as stated in its bylaws or articles;
 - the number and percentage of indigent persons on the board of directors or principal advisory board of the organization; and
 - the percentage of its members who are indigent persons.

Do not disclose information protected by the attorney-client privilege.

Services to these organizational clients may be considered to be “legal services to indigent persons” if the organization provides benefits primarily to persons who are indigent. If you provide some portion of your legal services to organizations that do not meet this standard, you should answer “yes” to question 4c on Form XI, and further explain the percentage of overall services provided to such non-qualifying organizations and the basis of your computation under question 1 on this form. **Note:** If another group or class of individuals is, in fact, the beneficiary of legal services rather than the named organizations, describe the clients and services under question 7 of this form, NOT under question 6.

7. If more than 10% of your services were for the benefit of persons other than, or in addition to, your individual clients, from the list prepared in support of Form VII, identify the ten legal matters in which you expended the largest amount of funds in the previous calendar year. Include the approximate expenditures for each such matter.

If some portion of your legal services involved matters for the benefit of a group or class of persons beyond your specific clients but was not primarily for the benefit of indigent persons, you should answer “yes” to question 4c on Form XI, and explain the percentage of your overall services that were provided in such matters and the basis of your computation of their cost under question 1 on this form.

XI-B. Total Expenditures for Each County. *This form is to be completed only by applicants that provide services in more than one county.*

If you provide free legal services in civil matters to indigent persons in more than one county, you must state the total expenditures for services in each county and explain the basis of your county-by-county allocations.

1. Enter your organization's total expenditures for free legal services in civil matters to indigent persons in California. Use the figure from line 14 of Form XI.

2. Provide the following information:

Column (a): List the name of each county served in alphabetical order.

Column (b): Divide the figure on line 1 among the counties listed. Enter total expenditures for each county. The total of the amounts in column (b) should equal the amount on line 1.

Column (c): Enter the amount of IOLTA grant expenditures incurred during the previous calendar year. The amounts in column (c) should match total expenditures reported in your IOLTA quarterly reports for the previous calendar year.

Column (d): Enter the amount of Equal Access Fund grant expenditures incurred during the previous calendar year. The amounts in column (d) should match total expenditures reported in your EAF quarterly reports for the previous calendar year.

Column (e): For each county, add the amounts in column (c) and column (d), and subtract that total from the amount in column (b); report the remaining amount in column (e).

3. The following are some of the bases for allocation of expenses among counties served that the Commission has found in past years to be reasonable under appropriate circumstances: numbers of clients served who reside in each county or of cases handled in each county; actual or estimated hours of service provided in each county or provided to clients who reside in each county; actual expenses of providing service to clients in each county, including both personnel and non-personnel expenses; statistics that establish the geographic distribution by county of persons who will benefit from the services provided.

In certain circumstances it may be necessary to use a combination of these or other methods to arrive at an allocation method that is reasonably related to the actual expenditure of funds. If you use more than one method, you must describe each method and list separately the amounts allocated by that method.

If you allocate expenses to counties other than those in which your individual or organizational clients reside or those in which you provided the services, the allocation must be reasonably related to the geographic distribution of the indigent persons who will benefit from the services. Identify all such matters and provide the following information:

- a. your approximate expenditures for each matter;
- b. whether the matter can be expected to establish a precedent and the scope or breadth of that precedent; and
- c. the geographic and numeric distribution of the persons that would benefit from a favorable resolution of the legal matter.

If some or all of this information is already included in your responses to Forms VII and XI-A, you may incorporate it here by reference.